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BUREAU OF FACILITY STANDARDS

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INFORMATIONAL LETTER #2002-15

DATE: July 23, 2002

TO: ALL IDAHO INTERMEDIATE CARE FACILITIES

FOR PERSONS WITH MENTAL RETARDATION

FROM: DEBBY RANSOM, R.N., R.H.I.T., Chief

Bureau of Facility Standards

SUBJECT: REPORTING RESIDENT-TO-RESIDENT CONTACT

There is still some confusion regarding when cases of resident-to-resident contact should be reported to the Idaho Commission on Aging (i.e., Adult Protection).

Federal regulations at CFR 483.420(d)(2) require facilities to ensure that all allegations of mistreatment, neglect, or abuse, as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures. Although <u>ALL</u> allegations of mistreatment, neglect, or abuse are to be reported <u>immediately</u> to a facility administrator, there is <u>no</u> State law or rule requiring all cases of resident-to-resident contact to be reported to the Idaho Commission on Aging (ICOA).

<u>Idaho Code</u> §39-5303(1) governs when reports are to be made to the ICOA. <u>Idaho Code</u> §39-5303(1) provides "mandatory reporting" to the ICOA of cases of abuse, neglect, or exploitation involving vulnerable adults. However, <u>Idaho Code</u> §39-5303A(1) provides an exception to this rule for situations involving resident-to-resident contact within facilities.

With respect to resident-to-resident contacts, the only cases to be reported to Adult Protection are "those cases involving sex abuse, death, or serious physical injury that jeopardizes the life, health, or safety of a vulnerable adult or repeated resident-to-resident physical or verbal altercations, not resulting in observable physical or mental injury, but

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constituting an ongoing pattern of resident behavior that a facility's staff are unable to remedy through reasonable efforts."

With respect to such incidents of resident-to-resident contact, <u>only</u> those cases constituting an ongoing pattern of resident behavior <u>that a facility's staff is unable to remedy through reasonable efforts</u> are to be reported to Adult Protection. To properly report such contacts, we request that a packet containing copies of the incident reports establishing the pattern of behavior be forward to Adult Protection.

The Idaho Commission on Aging and the Bureau of Facility Standards appreciates your assistance in resolving this matter. If you have any questions regarding the reportability of any case, please feel free to contact the ICOA or any member of the Adult Protection team in your area.

DEBBY RANSOM, R.N., R.H.I.T., Chief Bureau of Facility Standards

SARAH E. SCOTT Program Operations Manager Idaho Commission on Aging

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cc: Idaho Association of Community Options and Resources